Texas
Child Abuse Reporting

Who do I contact to report an incident in Texas?

Call the DFPS Texas Abuse Hotline at 1-800-252-5400.

(1) Any local or state law enforcement agency;
(2) the Department of Family and Protective Services if the abuse involves a person responsible for the care, custody, or welfare of the child;
(3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse occurred; or
(4) the agency designated by the court to be responsible for the protection of children.

If there is an emergency, call 911. **Texas, Family Code § 261.103(a)**.

How much time do I have to report an incident?
Immediately.

"A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter." **Tex. Fam. Code Ann §261.101(a)**.

A professional who becomes aware of actual or reasonably suspected abuse within their professional capacities must report within 48 hours of the person first suspecting the abuse. **Tex. Fam. Code Ann §261.101(b)**.

Who is a mandatory reporter in Texas?
"A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect" is a mandatory reporter in Texas. Tex. Fam. Code Ann §261.101(a)

Additionally, individuals who are licensed or certified by the state or who are employees of a facility licensed, certified, or operated by the state and who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers, are required to make a report no later than 48 hours after first suspecting abuse has occurred. **Tex. Fam Code Ann §261.101(b)**.

Are Clergy mandatory reporters in Texas?
Yes. "The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or

health care facility that provides reproductive services."(*underlining added for emphasis*) **Tex. Fam. Code Ann. §261.101(c)**.

Is there an exception for penitential communication in Texas?
No. "In a proceeding regarding the abuse or neglect of a child, evidence may not be excluded on the ground of privileged communication except in the case of communications between an attorney and client." **Tex. Fam. Code Ann. §261.202**.

What is "child abuse" and "child neglect" in Texas?
"Abuse" includes the following acts or omissions by a person: mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning; causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning; physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm; failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child; sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code; failure to make a reasonable effort to prevent sexual conduct harmful to a child; compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of person under Section 20A.02 (a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code; causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic; the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child; causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code; causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or forcing or coercing a child to enter into a marriage. **Tex. Fam. Code Ann §261.001(1).**

Neglect includes the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child; the following acts or omissions by a person; placing a child in or failing to remove a child from a situation that a reasonable person would realize requires

judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child; failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child; the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused; placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if the child has a severe emotional disturbance; the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and the person has exhausted all reasonable means available to the person to obtain the mental health services described above. **Tex. Fam. Code Ann §261.001(4).**

Where can I find Texas law on child abuse?
https://texas.public.law/statutes/tex._fam._code_section_261.001